

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Zero Point Zero
2012 Deer Film Permit

Categorical Exclusion (CX)
DOI-BLM-MT-C020-2013-0017-CX

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
CATEGORICAL EXCLUSION REVIEW AND APPROVAL

A. Background

BLM Office: Miles City Field Office Lease/Serial/Case File No.: MTM-104655

NEPA Number (if applicable): DOI-BLM-MT-C020-2013-0017-CX

Proposed Action Title/Type: Zero Point Zero Productions Mule Deer Hunt Film Permit

Location of Proposed Action (include county): T. 9 S., R. 47 E., Sections 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 26, & 27 (5,500.82 acres) in the Rough Creek area, Powder River County, Montana

Description of Proposed Action:

The proposed action is to issue a 2920 Minimum Impact Film Permit (MIP), non-competitively, to Zero Point Zero Productions (applicant). The applicant requests to film and document in the field an episode of their show, "Steven Rinella: MeatEater". The episode would focus on Mr. Rinella hunting mule deer on approximately 5,500 acres of BLM administered public lands in the Rough Creek drainage located in Powder River County (T9S, R47E, Section 2, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; Section 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; Section 10, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 11, All; Section 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; Section 13, All; Section 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$; Section 15, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$; Section 22, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$; Section 23, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 24, Lots 1 and 2, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section 26, Lot 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$; Section 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$). The film's intent is to document all aspects of a 4 day backcountry mule deer hunt, including butchering, and then cooking a meal in the field featuring the mule deer hunt.

The permit would be for 4 days of filming during, November 14 to November 18, 2012. The film crew would consist of 3-4 people; the TV host, 2 camera men, and possibly an assistant. They intend to use 3 cameras, 2 smaller than 1 ton vehicles, with no props other than their hunting/camping gear. They intend to have a camp fire, will bring in their own water and are a Leave No Trace crew, leaving the land as they found it.

No hazardous material would be used, produced, or stored in connection with the proposed permit. There would be no surface disturbance allowed associated with the permit. No activities would take place during periods when the soil is too wet to adequately support vehicle traffic. Vehicle travel would be limited to existing roads and trails and the permittee would be responsible for obtaining permission for access across private property. The permittee would ensure that all litter, garbage, and other evidence of the authorized activity are disposed of in compliance with local regulations. The permittee would be responsible for ensuring adequate sanitation facilities for participants. The permittee would do everything reasonable to prevent and suppress fires caused by their activity on or near lands utilized. The permittee would agree to indemnify and hold harmless the United States for any and all liability, including injury to persons or damage to property, which may result directly or indirectly from the use permitted. A Certificate of Insurance, co-insuring the USDI, Bureau of Land Management would be obtained

in the amount of \$1,000,000 and be retained as part of the permit. The permittee would provide film credits recognizing the USDI, Bureau of Land Management, Miles City Field Office.

Rental for the permit is established by BLM Montana Instruction Memo MT-98-063 and would be \$600 for the four days of filming. The permit will be effective on November 14, 2012, and will expire on November 18, 2012, and would be issued under the authority of Section 302 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1732). The permit would be subject to the terms and conditions in 43 CFR 2920 and the attached stipulations. Since there will be no surface disturbance, other than vehicle traffic, authorized by this permit, the permit is considered to be a minimum impact permit under 43 CFR 2920.2-2. Per 43 CFR 2920.6(b) Zero Point Zero Productions, Daniel Doty, is subject to reimbursement of costs requirements in accordance with the provisions of 43 CFR 2804.14 and 2805.16. The MCFO has determined the processing fee for this application to be a category 1 for \$115, and the monitoring fee to be a category 1 for \$115.

B. Land Use Plan Conformance

Land Use Plan Name: Powder River RMP/EIS ROD

Date Approved/Amended: Approved in March of 1985, as amended

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The proposed actions are in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): On Page 4 of the Record of Decision for the Powder River Resource Area RMP under Leases, Permits, and Easements it states that "Legitimate uses of public land may be authorized on a case-by-case basis by permits, leases, and easements if they cannot be authorized by other laws and regulations." and "Permits may be granted for uses that require no extensive improvements, construction, or surface disturbance." The Proposed action has been reviewed for conformance with this plan and its terms and conditions as required by 43 CFR 1610.5.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9E (19) for issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original conditions.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and, as documented below, none of the extraordinary circumstances described in 516 DM2 apply.

Extraordinary Circumstances		
The project would:		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: <i>The project would not have significant impacts on public health and safety as it is for filming of an authorized activity on federal land. The film permit would be authorized under Title III of FLPMA. BK 10/23/12</i>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		

Yes	No X	Rationale: <i>Impacts would not be significant as the proposed action is to film an authorized activity on federal land. BK 10/23/12</i>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No X	Rationale: <i>No controversial environmental effects or unresolved conflicts; as resources would not be affected. BK 10/23/12</i>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: <i>No highly uncertain and potentially significant environmental effects or unique or unknown environmental risk; as resources would not be affected. BK 10/23/12</i>
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: <i>This action is not connected to another action that would require further environmental analysis nor will it set a precedent for future actions that would normally require environmental analysis. BK 10/23/12</i>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: <i>See CFR 1508.7. This action would not contribute to other actions of the area, creating a significant cumulative environmental effect. BK 10/23/12</i>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		
Yes	No X	<p>Rationale: <i>Confirm that cultural surveys have been completed; the appropriate databases have been reviewed; and appropriate concurrence from SHPO and tribes have been received indicating that significant impacts are not expected.</i></p> <p>The proposed action is not a surface disturbing activity. Consequently, the proposed action meets the inventory exemption criteria per BLM Montana/Dakotas Cultural Resources Handbook H-8110-1, Appendix 1, Other 6 (resource management actions which do not utilize motorized vehicles or create new surface disturbance). Issuance of a film permit for this action is an administrative action and a non-surface disturbing undertaking. This action has little or no ability or potential to impact or significantly affect significant cultural resources. As a result, no cultural resource inventory is necessary prior to approving and authorizing this undertaking to proceed. Consequently, no cultural resource values considered eligible for the National Register of Historic Places would likely be impacted or affected by this undertaking (see report number: MT-020-13-023). <i>WH</i> 10/30/2012</p>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No X	Rationale: <i>There is no threatened or endangered species or habitat for such within the project area. JCH 10/24/12</i>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: <i>No laws are being violated by this action. BK 10/23/12</i>

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: <i>The proposed action does not contribute or have a disproportionately high and adverse effect on low income or minority populations. BK 10/23/12</i>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No X	Rationale: <i>Consultation with tribes regarding Indian sacred sites must take place</i> Issuance of a film permit is an action that does not involve any surface disturbance and as such, this non-surface disturbing type of activity has little or no potential or ability to significantly affect cultural properties or sacred sites of interest to Tribes. Consultations with Tribes indicate that issuance of film permits is an action that Tribes are generally not concerned with. Consequently, consultations with Tribes on these types of actions are generally not conducted and no cultural resource values of interest to Tribes would likely be impacted or affected by this undertaking. The proposed action would not limit access to public lands where it already exists nor would it allow new access where it does not presently exist. Since no surface disturbance is proposed, there would be no impacts to the physical integrity of sites of traditional cultural concern. <i>WH 10/30/2012</i>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No X	Rationale: <i>The proposed action would not contribute to the introduction or spread of noxious weeds. BK 10/23/12</i>



 Environmental Coordinator

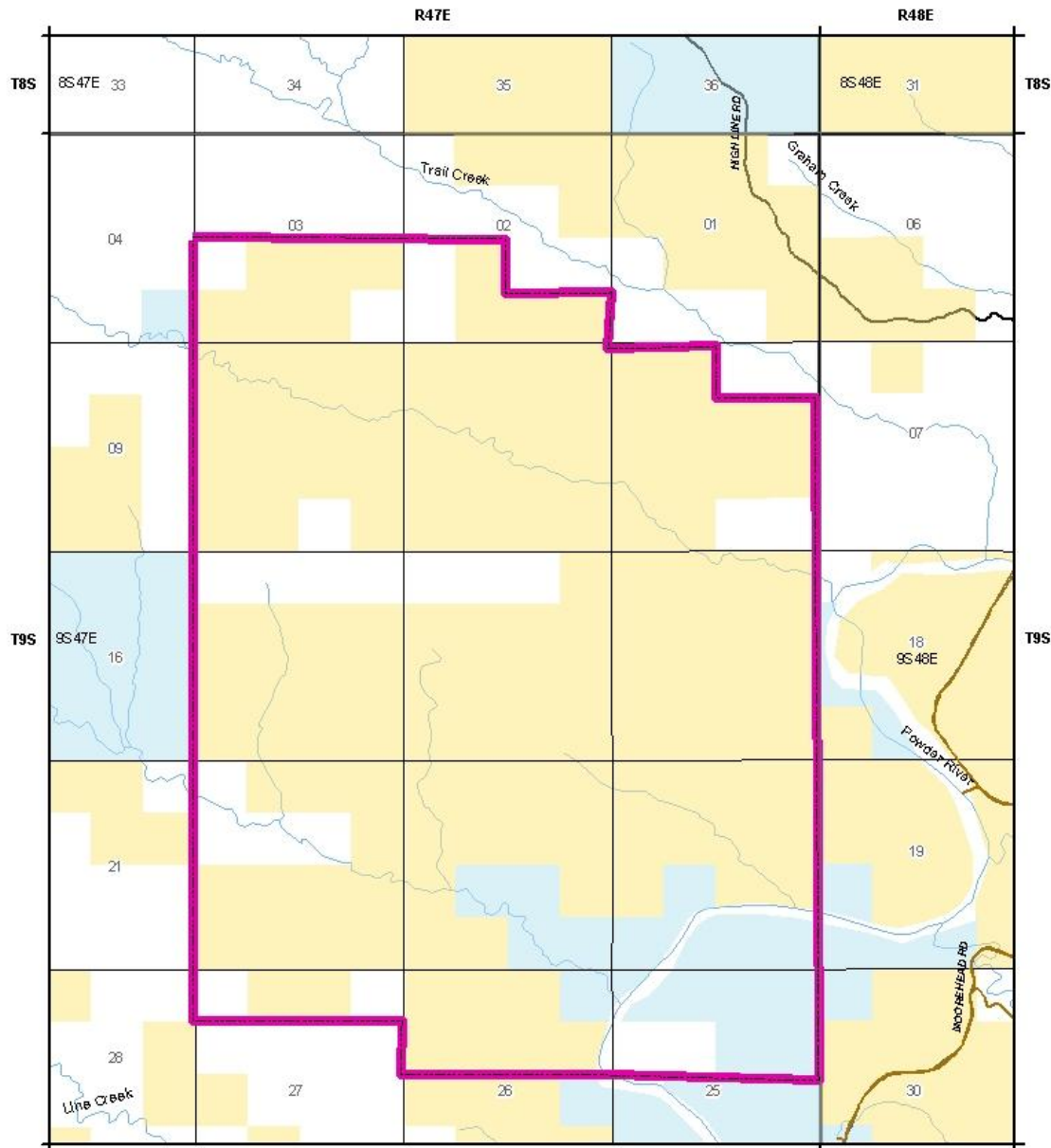
10/31/2012

 Date



Zero Point Zero Productions
Mule Deer Filming

MTM-104655



Legend

Private
BLM - Public Domain Division of State Lands

R47E

Film Permit Area

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

10/23/12

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

0 0.2 0.4 Miles

1:40,000



Decision Record for Categorical Exclusion
Zero Point Zero Productions Mule Deer Hunt Film Permit MTM-104655
DOI-BLM-MT-C020-2013-0017-CX

Decision: I have made the decision to issue a 2920 Minimum Impact Filming Permit (MIP), non-competitively, to Zero Point Zero Productions (applicant). The applicant would film and document in the field an episode of their show, "Steven Rinella: MeatEater". The episode would focus on Mr. Rinella hunting mule deer on approximately 5,500 acres of BLM administered public lands in the Rough Creek drainage located in Powder River County (T9S, R47E, Section 2, E½SW¼, S½SE¼; Section 3, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼; Section 10, N½, SW¼, N½SE¼, SE¼SE¼; Section 11, All; Section 12, S½NE¼, W½, N½SE¼; Section 13, All; Section 14, NE¼NE¼, S½N½, S½; Section 15, S½N½, S½; Section 22, N½NE¼, SE¼NE¼, NE¼NW¼, S½; Section 23, N½, W½SW¼, SE¼SW¼, NE¼SE¼; Section 24, Lots 1 and 2, N½, NW¼SW¼; Section 26, Lot 2, W½NE¼, NW¼; Section 27, NW¼NE¼, NE¼NW¼). The film's intent is to document all aspects of a 4 day backcountry mule deer hunt, including butchering, and then cooking a meal in the field featuring the deer.

The permit would be for four days of filming during, November 14 to November 18, 2012. The film crew would consist of 3-4 people; the TV host, 2 camera men, and possibly an assistant. They intend to use 3 cameras, 2 smaller than 1 ton vehicles, with no props other than their hunting/camping gear. They intend to have a camp fire, will bring in their own water and are a Leave No Trace crew, leaving the land as they found it.

Rental for the permit is established by BLM Montana Instruction Memo MT-98-063 and would be \$600 for the four day of filming. The permit will effective on November 14, 2012, and will expire on November 18, 2012, and would be issued under the authority of Section 302 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1732). The permit would be subject to the terms and conditions in 43 CFR 2920 and the attached stipulations. Since there will be no surface disturbance, other than vehicle traffic, authorized by this permit the permit is considered to be a minimum impact permit under 43 CFR 2920.2-2. Per 43 CFR 2920.6(b) Zero Point Zero Productions, Daniel Doty, is subject to reimbursement of costs requirements in accordance with the provisions of 43 CFR 2804.14 and 2805.16. The MCFO has determined the processing fee for this application to be a category 1 for \$115, and the monitoring fee to be a category 1 for \$115.

Rational for Decision: The proposed action meets the criteria for a categorical exclusion under 516 DM 6, Appendix 5.4 E (19), and none of the exceptions in 516 DM 2, Appendix 2, apply. Further the action is in conformance with the Powder River RMP/EIS, which was approved in March 1985.

I considered the proposed action and associated stipulations which will be included in the minimum impact permit and which are attached below. There is no potential for significant impacts. Use of this CX is appropriate and I have decided to implement this action.

D: Signature



Authorizing Official: _____

Date: 10/31/2012

Todd Yeager
Field Manager
Miles City Field Office

Contact Person

For additional information concerning this CX review and decision, contact:

Beth Klempel, Realty Specialist (406-233-2896)

BLM – Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301

STIPULATIONS:

- a. The permittee will ensure that no surface disturbance will result as a result of any activity authorized by this permit. Specifically, within the Reynolds Battlefield ACEC.
- b. No activities shall take place during periods when the soil is too wet to adequately support vehicles. If vehicles create ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support them.
- c. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
- d. Travel into the permitted area is limited only to existing roads and trails unless specifically approved and written into the permit. Motorized cross country travel is not authorized.
- e. This permit does not give permission to cross over or use any private land. The permittee will be fully responsible for obtaining permission for access across private property and all trespass on and/or damages to private land which result from the permittee's activity.
- f. Permittee shall ensure that all litter, garbage, props, or other evidence of the authorized activity is disposed of in compliance with local regulations.
- g. Permittee will be responsible for ensuring adequate sanitation facilities for participants are provided.
- h. Permittee will do everything reasonable, both independently and/or upon request of the Authorized Officer to prevent and suppress fires caused by their activity on or near lands utilized. Compensation may be required of the permittee for Federal, State, or private interests in suppression and rehabilitation expenses.
- i. The permittee agrees to indemnify and hold harmless the United States for any and all liability, including injury to persons or damage to property, which may result directly or indirectly from the use permitted. A Certificate of Insurance, co-insuring the USDI, Bureau of Land Management would be obtained in the amount of \$1,000,000 and be retained as part of the permit.

- j. The permittee will provide film credits recognizing the USDI, Bureau of Land Management, Miles City Field Office.
- k. This permit is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.
- l. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected federal lands [such as the grazing permittee.
- m. A copy of the video will be submitted to the Authorized officer at the Miles City Field Office.